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09/709,030

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Donald F. Gordon

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/709,030

Applicant(s)

GORDON ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/16/07 have been fully considered but they are not persuasive.

Applicant argues that Ebling fails to teach each roster element associated with a corresponding IPG page currently provided to the terminal, each roster element comprising a first field containing a packet identifier for the corresponding IPG page and one or more additional fields containing additional PIDs for respective regions of the IPG page.. Instead Ebling teaches that respective PIDS or other identifiers determined from a channel information table and descriptors may be used to identify video, audio, data, and sub picture data. The sub picture data contains picture elements associated with programs and channels selectable by a user for viewing, and includes multimedia objects, program guides, displayable commands, subtitling (page 7).

Page two of applicant's specification states the following:

"In accordance with the method, a "roster" is formed which includes a number of record elements with each record element being associated with a respective IPG page received at a terminal. Each record includes a page ID field that specifically identifies the 25 associated IPG page, and this page ID field can identify a particular PID for a guide listing for the page. A number of other fields may also be included in each record element such as, for example, fields for a video PID, a data PID, or some other information for the associated IPG page, or a combination thereof."

<http://webopedia.com/TERM/f/field.html> defines a field as:

A space allocated for a particular item of information. A tax form, for example, contains a number of fields: one for your name, one for your Social Security number, one for your income, and so on. In database systems, fields are the smallest units of information you can access. In spreadsheets, fields are called cells.

Ebling discloses a program guide system in which a base PID is identified and other PIDS are derived from the base PID and stored in a roster (column 7, lines 55-63), the PIDs may be associated with different elements with in the page (column 6, lines 27-67, column 11, lines 53-column 12, line 44 a video display, and the text boxes within the page, the video displayed may be preview clips which help the user choose programming to view), The examiner equates the base PID to be the equivalent IPG page, and the other related PIDs to corresponding to additional roster elements for the other respective regions of the IPG page. Figure 17, details how the tables, which include all of these elements, are assembled, forming a "roster". As admitted by applicant, the tables include sub picture data and corresponding PIDs. As webopedia defines a field as a space allocated for a particular item of information, and the table, a "roster", includes spaces for these elements, the listing of PIDs meet the criteria of the corresponding fields for the IPG page and elements.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,844,620 to Coleman in view of U.S. Patent 6,779,195 to Oishi and U.S. Patent 7,150,029 to Ebling.

Regarding claim 23, Coleman discloses a method for keeping track of program indexes in an interactive delivery system, comprising:

maintaining track of which of a plurality of interactive program guide (IPG) pages are currently received at a terminal from a headend by using a program map table (PMT) (column 13, lines 25-33), and a roster (column 13, line 49-column 14, line 22, program guide elements stored in RAM);

receiving a request from a viewer at the terminal for a selected IPG page (column 6, lines 39-43, column 18, lines 27-47);

determining whether the selected IPG page is currently received at the terminal from the headend by consulting the roster (column 13, line 62-column 14, line 22) and

if the selected IPG page is currently received, then using the roster to determine which packet identifier (PIDs) used to transmit a plurality of regions of the selected IPG page, processing these PIDs to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend (column 14, lines 23-62, column 17, lines 22-65).

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Coleman fails to disclose maintaining track of which IPG pages are currently received by using a program association table (PAT), and the roster comprising a plurality of roster elements, each element associated with a corresponding IPG page currently provided to the terminal, each element comprising a first field containing a PID for the corresponding IP age and one or more additional fields containing additional PIDs for respective regions of the IPG page.

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs for the PMT for the EPG pages via the Event Information tables(column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13, line 22, figure 5), thus enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to utilize the MPEG2 features and PAT as taught by Oishi for the advantage of enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

The combination of Coleman and Oishi fails to disclose the roster comprising a plurality of roster elements, each element associated with a corresponding IPG page currently provided to the terminal, each element comprising a first field containing a PID for the corresponding IP age and one or more additional fields containing additional PIDs for respective regions of the IPG page.

Ebling discloses a program guide system in which a base PID is identified and other PIDS are derived from the base PID and stored in a roster (column 7, lines 55-63), the PIDs may be associated with different elements within the page (column 6, lines 27-67, column 11, lines 53-column 12, line 44 a video display, and the text boxes within the page, the video displayed may be preview clips which help the user choose programming to view), the IPG data enables the device to tune to terrestrial, cable, DBS and internet content as well as email, telephone, fax and banking (column 5, lines 4-10, figure 2, column 4, lines 35-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Coleman and Oishi to utilize the multiple PIDs for corresponding elements and ability to interact with faxes, telephones, email, as well as video programming as taught by Ebling, for the advantages of helping a user choose what programming to watch via the previews, and provide an easy and convenient way to access faxes and emails.

Regarding claims 24, 29, and 34, Coleman discloses that if the selected IPG page is not currently received, the terminal requests transmission of the selected page from the headend (column 6, lines 30-58, the user requests the pages and it is stored in RAM and is formatted in the same format as the trickle stream).

Regarding claims 25, 30, and 35, Coleman discloses that roster elements for each page are transmitted from the headend to the terminal and stored at the terminal within the roster (column 8, lines 32-43, column 13, lines 25-column 14, line 8).

Regarding claims 26, 31 and 36, Coleman discloses that the roster is updated as new IPG pages are transmitted by the headend (column 13, line 49-column 14, line 22).

Regarding claim 27, 32, and 37, Coleman discloses that the roster is updated as old pages are removed (column 14, lines 7-22).

Regarding claim 28, Coleman discloses system for keeping track of program indexes in an interactive delivery system, comprising:

a tracking component at a terminal to maintain track of which of a plurality of interactive program guide (IPG) pages are currently received at the terminal from a headend by using a program map table (PMT) (column 13, lines 25-33), and a roster (column 13, line 49-column 14, line 22, program guide elements stored in RAM); and

a remote control unit coupled to the terminal to receive a request from a viewer for a selected IPG page (column 13, line 62-column 14, line 7);

wherein the tracking component determines whether the selected IPG page is currently received at the terminal from the headend by consulting the roster (column 13, line 62-column 14, line 22);

wherein, if the selected IPG page is currently received, then the tracking component uses the roster to determine which packet identifier are used to transmit a plurality of regions of the selected IPG page (foundation and schedule/title records, column 14, lines 52-62), processing these PIDS to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend (column 14, lines 23-62, column 17, lines 22-65).

Coleman fails to disclose maintaining track of which IPG pages are currently received by using a program association table (PAT), and the roster comprising a plurality of roster elements, each element associated with a corresponding IPG page currently provided to the terminal, each element comprising a first field containing a PID for the corresponding IP age and one or more additional fields containing additional PIDs for respective regions of the IPG page.

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs for the PMT for the EPG pages via the Event Information tables(column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13, line 22, figure 5), thus enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to utilize the MPEG2 features and PAT as taught by Oishi

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for the advantage of enabling a STB to easily find requested programming content and making use of the high quality video MPEG2 offers.

The combination of Coleman and Oishi fails to disclose the roster comprising a plurality of roster elements, each element associated with a corresponding IPG page currently provided to the terminal, each element comprising a first field containing a PID for the corresponding IP age and one or more additional fields containing additional PIDs for respective regions of the IPG page.

Ebling discloses a program guide system in which a base PID is identified and other PIDs are derived from the base PID and stored in a roster (column 7, lines 55-63), the PIDs may be associated with different elements within the page (column 6, lines 27-67, column 11, lines 53-column 12, line 44 a video display, and the text boxes within the page, the video displayed may be preview clips which help the user choose programming to view), the IPG data enables the device to tune to terrestrial, cable, DBS and internet content as well as email, telephone, fax and banking (column 5, lines 4-10, figure 2, column 4, lines 35-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Coleman and Oishi to utilize the multiple PIDs for corresponding elements and ability to interact with faxes, telephones, email, as well as video programming as taught by Ebling, for the advantages of helping a user choose what programming to watch via the previews, and provide an easy and convenient way to access faxes and emails.

Regarding claim 33, Coleman discloses a computer readable medium storing instructions for performing a method for keeping track of program indexes in an interactive delivery system, comprising:

maintaining track of which of a plurality of interactive program guide (IPG) pages are currently received at a terminal from a headend by using a program map table (PMT) (column 13, lines 25-33), and a roster (column 13, line 49-column 14, line 22, program guide elements stored in RAM);

receiving a request from a viewer at the terminal for a selected IPG page (column 6, lines 39-43, column 18, lines 27-47);

determining whether the selected IPG page is currently received at the terminal from the headend by consulting the roster (column 13, line 62-column 14, line 22) and

if the selected IPG page is currently received, then using the roster to determine which packet identifier (PIDs) used to transmit a plurality of regions of the selected IPG page, processing these PIDs to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend (column 14, lines 23-62, column 17, lines 22-65).

Coleman fails to disclose maintaining track of which IPG pages are currently received by using a program association table (PAT), and the roster comprising a plurality of roster elements, each element associated with a corresponding IPG page currently provided to the terminal, each element comprising a first field containing a PID for the corresponding IP age and one or more additional fields containing additional PIDs for respective regions of the IPG page.

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs for the PMT for the EPG pages via the Event Information tables(column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13, line 22, figure 5), thus enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to utilize the MPEG2 features and PAT as taught by Oishi for the advantage of enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

The combination of Coleman and Oishi fails to disclose the roster comprising a plurality of roster elements, each element associated with a corresponding IPG page currently provided to the terminal, each element comprising a first field containing a PID for the corresponding IP age and one or more additional fields containing additional PIDs for respective regions of the IPG page.

Ebling discloses a program guide system in which a base PID is identified and other PIDS are derived from the base PID and stored in a roster (column 7, lines 55-63), the PIDs may be associated with different elements with in the page (column 6, lines 27-67, column 11, lines 53-column 12, line 44 a video display, and the text boxes within the page, the video displayed may be preview clips which help the user choose programming to view), the IPG data enables the device to tune to terrestrial, cable,

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DBS and internet content as well as email, telephone, fax and banking (column 5, lines 4-10, figure 2, column 4, lines 35-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Coleman and Oishi to utilize the multiple PIDs for corresponding elements and ability to interact with faxes, telephones, email, as well as video programming as taught by Ebling, for the advantages of helping a user choose what programming to watch via the previews, and provide an easy and convenient way to access faxes and emails.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-

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272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Hunter B. Lonsberry
Primary Examiner
Art Unit 2623

HBL